

Town of Elmira
New York
ZONING BOARD OF APPEALS

Meeting June 25, 2024 7:00 pm EDT

PRESENT: Chairman: Joe Sullivan
Members: Scot Gerould
Peter Peterson
Jennifer Moffe
Chris Longwell

ALSO PRESENT: Eric Crandall, Code Enforcement Officer
Scott Moore, Town Attorney

Chairman Sullivan opens the meeting and asks the clerk to call the roll where all members were present.

PUBLIC HEARING – 305 WALL ST AREA VARIANCE

Chairman Sullivan then opens the public hearing at 7:00 PM and invites the applicant, Stacey Carollo, to explain her application

Ms. Carollo says that she wants to demolish the existing detached garage and construct a single-story addition for her aging mother. Her application asked the Zoning Board for 25 feet of relief on the front-yard setback where 40 feet is required. However, after discussions with the contractor, she wishes to amend the application and now is only asking for 22 feet of relief. It is noted that the existing garage is currently 18 feet from the W. First St front-yard boundary line. The amended application is to construct the addition and maintain that 18-foot setback that is in existence from the detached garage that is there. Attorney Moore explains that the amended application can be done verbally and the board understands that they are now being asked to review the application with respects to the proposed 18-foot setback instead of the 15-foot setback.

Chairman Sullivan asks if there is anyone that would like to speak in favor of the variance request. Charles Schornstheimer of 304 Wall St notes that this would be a welcomed addition to the neighborhood. He enjoys seeing residents move to the area, take pride in their home, and improve it with construction such as this. He also gives thanks to the Town for helping his property with the water issues that have plagued Wall Street and First Street for years.

The Chairman asks if anyone would like to speak in opposition of the variance and there is no one present to do so. With that, the Chairman closes the public hearing.

Chairman Sullivan opens the regular meeting and asks members if they have any additions or corrections to the May 28th meeting minutes, and if none, a motion to approve the minutes.

MOTION by Scot Gerould to approve the minutes of the
May 28, 2024 ZBA meeting.

Second by Jennifer Moffe

Ayes: Gerould, Peterson, Longwell, Moffe and Sullivan

Nays: none

AGENDA ITEM – 305 Wall St Area Variance Application

Chairman Sullivan asks if the board has anything they would like to discuss. Mr. Peterson asks if the applicant would be permitted to put a driveway in off of First Street and Mr. Crandall answers in the affirmative. Mr. Sullivan remarks that his initial concerns about encroaching further into the setback were allayed by the applicant's amended application and is more comfortable with maintaining the currently existing setback created by the detached garage.

The Chairman remarks that before any decision is made, the board must, pursuant to New York State Town Law 267-b and section 217-108 of the Code of the Town of Elmira, take into consideration the five criteria required for review.

- (1) Whether an undesirable change will be produced in the character of the neighborhood or community or a detriment to nearby properties will be created by the granting of the area variance;
- (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (3) Whether the requested area variance is substantial;
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) Whether the alleged difficulty was self-created, which is relevant to the decision, but shall not necessarily preclude the granting of the variance.

The Board discussed each of the five criterium and came to a consensus that it will not create an undesirable change to the community;

That, while the benefit could possibly be achieved by some other method, it did not seem feasible to do it another way;

The requested variance is not substantial as the existing building is already within 18 feet of the front-yard boundary;

The variance would not have any adverse effect on the physical or environmental conditions of the neighborhood;

And, although the alleged difficulty was self-created, it is not significant enough to deny the variance.

After brief discussion, Chairman Sullivan asks for a motion to approve or deny the variance based on the evidence presented.

MOTION by Chris Longwell to grant an area variance for a single-story addition to come no closer than 18 feet of the front yard boundary on W. First St.

Second by Pete Peterson

Ayes: Gerould, Peterson, Longwell, Moffe and Sullivan

Nays: none

The Chairman asks if there is any old or new business and hearing none, asks for a motion to adjourn the meeting.

MOTION by Scot Gerould to adjourn the meeting.

Second by Jennifer Moffe

Ayes: Gerould, Peterson, Longwell, Moffe and Sullivan

Nays: none

Meeting adjourned at 7:20 pm EST.